



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## PILKERTON et al. v. ROBERSON.

Sept. 9, 1909. Rehearing Denied.

[65 S. E. 835.]

**1. Boundaries (§ 40\*)—Conflicting Evidence—Question for Jury.**—The location of a boundary, depending on conflicting evidence, is one for the jury.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 196-204; Dec. Dig. § 40.\* 2 Va.-W. Va. Enc. Dig. 598.]

**2. Trial (§ 105\*)—Failure to Object to Evidence.**—Declarations, though made under circumstances rendering them suspicious, so that, if objected to, they should have been excluded, having been admitted without objection, were to be considered as evidence of matters they tended to prove.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 261; Dec. Dig. § 105.\* 1 Va.-W. Va. Enc. Dig. 560.]

**3. Deeds (§ 38\*)—Description of Property.**—The call of a title bond and deed, "and from said tree up the hill about six rods to another white oak standing on a bench in a hillside," is not so vague and indefinite as would justify the court in rejecting it.

[Ed. Note.—For other cases, see Deeds, Dec. Dig. § 38.\* 2 Va.-W. Va. Enc. Dig. 597.]

**4. Boundaries (§ 3\*)—Controlling Calls in Deed.**—Where a call of a deed is from one tree to another, then in a "straight line" passing said tree "to Hall's lines," and "with his lines" to Indian creek, but a straight line through the two trees will not reach the line of Hall, it must be so deflected to reach it, so as to be in accord with the next call, "with his lines" to Indian creek, which would not be the case if the line from the tree was run to Hall's line where it crosses said creek.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. § 32; Dec. Dig. § 3.\* 2 Va.-W. Va. Enc. Dig. 582.]

Error to Circuit Court, Wise County.

Action by one Roberson against one Pilkerton and others. Judgment for plaintiff. Defendants bring error. Affirmed.

*Ayers & Fulton*, for plaintiffs in error.

*Bond & Bruce* and *Irvine & Morrison*, for defendant in error.

## SAMUELS v. COMMONWEALTH.

Nov. 26, 1909.

[66 S. E. 222.]

**1. Witnesses (§ 48)—Disqualification—Conviction for Perjury—Conviction in Federal Courts.**—Rev. St. U. S., § 5392 (U. S. Comp.

---

\*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

St. 1901, p. 3653), defining "perjury," and providing a punishment therefor, provides that one convicted of perjury shall thereafter be incapable of testifying in any court of the United States. Va. Code 1904, § 3742, provides that one committing perjury on a trial for felony shall be confined in the penitentiary for a certain term, and, if committed in any other case, shall be confined in jail and fined; the punishment being different from that imposed by the federal statute. Section 3743 makes one so convicted incapable of giving evidence as a witness, and section 3898 provides that such person shall not be a witness, though pardoned or punished. Held, that the federal statute disqualified persons convicted in the federal courts from testifying in such courts, and the state statutes disqualified persons convicted in a state court from testifying in the state courts, so that conviction for perjury in the United States District Court for Virginia would not disqualify accused from testifying for himself in a murder prosecution in the state courts.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. § 113; Dec. Dig. § 48.\* 13 Va.-W. Va. Enc. Dig. 924.]

**2. Statutes (§ 241\*)—Construction—Penal Statutes.**—Penal statutes are strictly construed and cannot be extended by construction.

[Ed. Note.—For other cases, see Statutes, Cent. Dig. §§ 322, 323; Dec. Dig. § 241.\* 12 Va.-W. Va. Enc. Dig. 771.]

**3. Courts (§ 489\*)—State and Federal Courts—Enforcement of State and Federal Statutes.**—Neither the state nor the United States can, through its courts, take cognizance of violations of the statutes of the other, since the process from either court cannot be invoked to execute the judgments of the other.

[Ed. Note.—For other cases, see Courts, Cent. Dig. §§ 1324, 1326, 1334; Dec. Dig. § 489.\*]

Error to Corporation Court of Danville.

W. B. Samuels was convicted of murder, and brings error. Reversed and remanded for new trial.

*Peatross & Harris*, for plaintiff in error.

*The Attorney General*, for the State.

EDMONSTON *v.* COMMONWEALTH.

Nov. 26, 1909.

[66 S. E. 224.]

**1. Witnesses (§ 292\*)—Privileges—Privilege against Incrimination.**—A witness may, under the privilege guaranteed by the Constitution, decline to answer a question, when the answer may tend to incriminate him.

---

\*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.